

§ 112.1

(Paid in 12 monthly checks in the amount of
\$555.58 each equals \$6,667) 26,667
Junior ROTC Instructor's Total Compensation
⁵Reimbursable to the School District from the Federal Gov-
ernment (½ of \$6,667) \$3,334.

PART 112—INDEBTEDNESS OF MILITARY PERSONNEL

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AUTHORITY: 5 U.S.C. 5520a(k) and 10 U.S.C. 113(d).

SOURCE: 60 FR 1721, unless otherwise noted.

§ 112.1 Purpose.

This part: (a) Updates policy and responsibilities governing delinquent indebtedness of members of the Military Services, and prescribes policy for processing involuntary allotments from the pay of military members to satisfy judgment indebtedness in accordance with 5 U.S.C. 5520a(k).

(b) Establishes responsibility for procedures implementing 5 U.S.C. 5520a(k), 15 U.S.C. 1601 note, 1601-1614, 1631-1646, 1661-1665a, 1666-1666j, and 1667-1667e ("Truth in Lending Act"), and 15 U.S.C. 1601 note, and 1692-1692o ("Fair Debt Collection Practices Act").

(c) Designates the Director, Defense Finance and Accounting Service (DFAS), as the Department of Defense Executive Agent for forms necessary to process involuntary allotments. The Executive Agent shall publish, print, stock, distribute, and revise forms.

§ 112.2 Applicability and scope.

(a) Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is not operating as a Military Service in the Navy by agreement with the Department of Transportation), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the Department of Defense Field Agencies (hereafter referred to collectively as "the Department of Defense Components"). The term "Military Services,"

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as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

(b) The provisions of this part do not apply to:

(1) Indebtedness of a member of the Military Services to the Federal Government.

(2) Processing of indebtedness claims to enforce judgments against military members for alimony or child support.

(3) Claims by State or municipal governments under the processing guidelines for complaints, including tax collection actions.

§ 112.3 Definitions.

(a) *Absence*. A member's lack of an "appearance," at any stage of the judicial process, as evidenced by failing to physically attend court proceedings; failing to be represented at court proceedings by counsel of the member's choosing; or failing to timely respond to pleadings, orders, or motions.

(b) *Court*. A court of competent jurisdiction within any State, territory, or possession of the United States.

(c) *Debt collector*. An agency or agent engaged in the collection of debts described under 15 U.S.C. 1601 note and 1692-1692o ("Fair Debt Collection Practices Act").

(d) *Exigencies of military duty*. A military assignment or missing-essential duty that, because of its urgency, importance, duration location, or isolation, necessitates the absence of a member of the Military Services from appearance at a judicial proceeding or prevents the member from being able to respond to a notice of application for an involuntary allotment. Exigency of military duty is normally presumed during periods of war, national emergency, or when the member is deployed.

(e) *Judgment*. A final judgment must be a valid, enforceable order or decree, by a court from which no appeal may be taken, or from which no appeal has been taken within the time allowed, or from which an appeal has been taken and finally decided. The judgment must award a sum certain amount and specify that the amount is to be paid